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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,418

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Bruce A. Phillips

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08/09/2006

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EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/676,418

**Applicant(s)**

PHILLIPS ET AL.

**Examiner**

Keith T. Ferguson

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 97 is/are allowed.
- 6) ☒ Claim(s) 1-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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#### DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-97 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11,16-30,35-39,45-54,58,59,62-68,73-77,83-91 and 94-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Swan et al., newly recited reference.

Regarding claims 1-11,16-19,24-30,35-39,45,46, Stevens discloses a relationship between an emergency warning system (information provider) (fig. 1 number 102) and a plurality of subscribers (fig. 1 number 112), each of the subscribers being associated with a GMSC gateway (alert gateway) (fig. 2 number 136) and a corresponding distribution address (col. 3 lines 40-63), a system (fig. 1 number 100) for providing a weather alert to a subscriber (col. 2 lines 23-49), the system comprising: a

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controller (alert receiver) configured to receive an alert message from at least one alert source (col. 2 lines 23-42), the alert message being pertinent to at least one of the subscribers (col. 2 lines 23-49 and col. 3 line 23 through col. 4 line 16) and comprising an weather alert and associated alert information (col. 2 lines 17-22), the alert information providing information about the alert (col. 2 lines 17-49 and col. 3 line 1 through col. 4 line 16), such the alert information can be analyzed to determine whether a particular subscriber should receive the alert (col. 3 line 23 through col. 4 line 16); MSC/VLR (alert distribution device)(fig. 2 number 140a) in communication with the alert receiver (fig. 1 number 104) and further in communication with a wireless communication network (fig. 2 number 106), wherein the alert distribution device is configured to: select, based on the alert information, a set of one or more distribution addresses to which the alert applies (col. 3 lines 23-56); and transmit the alert to the selected set of distribution addresses via the communication network (col. 3 line 23 through col. 4 line 16). Stevens differs from claim 1 of the present invention in that it does not disclose an alert gateway at a subscriber location in the communication network wherein the alert gateway is: associated with one of the distribution addresses; adapted to receive the alert from the alert distribution device; and configured to take at least one specific action with respect to the alert information. Swan et al. teaches a personal communication controller (PCC)(cordless base station) (alert gateway)(fig. 2a number 10)(fig. 3c and col. 7 lines 35-40) at a subscriber location (2a) associated with a plurality of terminals identifiers (calling number)(CLID)(fig. 2a number 24 and col. 7 line 53 through col. 8 line 19), and provide a distinctive ring to the terminals)(take at least one specific action with respect to the alert information)(col. 8 lines 19-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stevens with an alert gateway at a subscriber location in the communication network wherein the alert gateway is: associated with one of the distribution addresses; adapted to receive the alert from the alert distribution device; and configured to take at least one specific action with respect to the alert information in order for the weather provider to provide a distinctive alert message to a particular mobile subscriber within a meeting at an office building about a weather alert emergency so that the subscriber can decide whether to answer the call, as taught by Swan et al.

Regarding claims 20-23 and 59, Stevens discloses the alert comprises audio information (col. 4 lines 10-16), and processing the alert comprises translating the audio information into textual information (col. 6 lines 10-14).

Regarding claims 47-54, 58, 62-68, 73-77, Stevens discloses in a relationship between an emergency warning system (information provider) and a plurality of subscribers (fig. 1 number 112), each of the subscribers being associated with an GMSC gateway (alert gateway) (fig. 2 number 136) and a corresponding distribution address (col. 3 lines 40-63), a method (fig. 4) for providing an alert to a subscriber (fig. 4), the method comprising: receiving an alert message from at least one alert source (col. 2 lines 23-42), the alert message being pertinent to at least one of the subscribers (col. 2 lines 23-49 and col. 3 line 23 through col. 4 line 16) and comprising an weather alert and associated alert information (col. 2 lines 17-22), the alert information providing information about the alert (col. 2 lines 17-49 and col. 3 line 23 through col. 4 line 16), such the alert information can be analyzed to determine whether a particular subscriber should receive the alert (col. 3 line 23 through col. 4 line 16); selecting, based on the nature of the

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alert, a set of one or more distribution addresses to which the alert pertains (col. 3 lines 23-56). Steven further discloses a warning system that warns subscriber of an emergency condition using televisions (col. 1 lines 15-31). Steven differs from claim 47 of the present invention in that it does not disclose transmitting an alert to an alert gateway at a subscriber location and associated with one of the set of distribution addresses. Swan et al. teaches a personal communication controller (PCC) (cordless base station) (alert gateway) (fig. 2a number 10) (fig. 3c and col. 7 lines 35-40) receives an alert at a subscriber location (2a) associated with a plurality of terminals identifiers (calling number) (CLID) (fig. 2a number 24, col. 2 line 23-67 and col. 7 line 53 through col. 8 line 19), and provide a distinctive ring to the terminals based upon the CLID (col. 8 lines 19-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stevens with transmitting an alert to an alert gateway at a subscriber location and associated with one of the set of distribution addresses in order for the weather provider to provide a distinctive alert message to a particular mobile subscriber within a meeting at an office building about a weather alert emergency so that the subscriber can decide whether to answer the call, as taught by Swan et al.

Regarding claims 83-91,94-96, Stevens discloses an emergency warning system for providing an alert to a subscriber (fig. 1 and col. 3 line 17 through col. 4 line 16), the system comprising: means for receiving an alert message from at least one alert source (col. 2 lines 23-42), the alert message being pertinent to at least one of the subscribers (col. 2 lines 23-49 and col. 3 line 23 through col. 4 line 16) and comprising an weather alert and associated alert information (col. 2 lines 17-22), the alert information providing information about the alert (col. 2 lines 23-49 and col. 3 line 23 through col. 4 line 16), such the alert information can be analyzed to determine whether a particular subscriber should receive the alert (col. 2 lines 23-49 and col. 3 line 23 through col. 4 line 16); means for selecting, based on the nature of the alert, a set of one or more distribution addresses to which the alert pertains (col. 2 lines 23-56); and means for transmitting the alert to the set of one or more distribution addresses to which the alert pertains (col. 4 lines 5-16). Stevens differs from claim 83 of the present invention in that it does not disclose transmitting the alert to set of one or more distribution addresses to which the alert pertains, each distribution address being associated with an alert gateway at a subscriber location. Swan et al. teaches

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a personal communication controller (PCC) (cordless base station) (alert gateway) (fig. 2a number 10) (fig. 3c and col. 7 lines 35-40) receives an alert at a subscriber location (2a) associated with a plurality of terminals identifiers (calling number) (CLID) (fig. 2a number 24, col.2 line 23-67 and col. 7 line 53 through col. 8 line 19), and provide a distinctive ring to the terminals based upon the CLID (col. 8 lines 19-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stevens with transmitting the alert to set of one or more distribution addresses to which the alert pertains, each distribution address being associated with an alert gateway at a subscriber location in order for the emergency warning system to provide a distinctive alert message to a particular mobile subscriber within a meeting at an office building about a weather alert emergency so that the subscriber can decide whether to answer the call, as taught by Swan et al..

4. Claims 12-15,40-44,55-57,78-82,92,93 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view Swan et al. as applied to claims 1,35,47,64 and 73 above and in further view of Hunter et al..



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Regarding claims 12-15, 55-57, the combination of Stevens and Swan et al. differs from claim 12 of the present invention in that they do not disclose transmitting a confirmation message to the alert distribution device, wherein the confirmation message indicates that the alert was received by the alert gateway. Hunter et al. teaches a national level host facility broadcast an alert message to DBS Uplink facilities, NWR transmitter, cable head ends (i.e. alert gateways) (fig. 7 numbers 108,410 and 412, and paragraph 0112 lines 1-15) which relays a confirmation acknowledgement back to the national level host facility broadcast of receiving the alert (fig. 7 numbers 108,410 and 412, and paragraph 0112 lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Stevens and Swan et al. with transmitting a confirmation message to the alert distribution device, wherein the confirmation message indicates that the alert was received by the alert gateway in order for the systems controller to log in its storage that the MSC gateway within a pertinent area receive the weather alert so that the controller could concentrate on other areas when providing the weather alert, as taught by Hunter et al..

Regarding claims 40-45, 78-82, 92 and 93, the combination of Stevens and Swan et al. differs from claims 40 and 78 of the present invention in that they do not disclose a confirmation message from the at least one subscriber device indicating that the alert was received. Hunter teaches portable mobile devices (fig. 7 numbers 110a and 110b) sends a confirm receipt that they received the emergency message (paragraph 0112 lines 3-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Stevens and Swan et al. with a confirmation message from the at least one subscriber device indicating that the alert was received in for the system to confirm that the mobile subscribers within the pertinent area received the weather notification, as taught by Hunter et al..

5. Claims 31-34 and 69-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Swan et al. as

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applied to claims 1,27,47,64 and 65 above and in further view of Day.

Regarding claims 31-34,69-72, the combination of Stevens and Swan et al. differs from claims 31 and 69 of the present invention in that they do not disclose displaying a visual alert signal. Day teaches a pager/cellular phone (col. 4 lines 19-24) comprising a LED for displaying an emergency situation (col. 6 lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Stevens and Swan et al. with displaying a visual alert signal in order for the system to provide the subscribers in a pertinent area an emergency weather alert to be displayed to the user, so that the user could take safety precaution, as taught by Day.

6. Claims 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Swan et al. as applied to claims 47,58 and 59 above and in further view of Safadi et al..

Regarding claims 60 and 61, the combination of Stevens and Swan et al. differs from claims 60-61 of the present invention in that they do not disclose extracting closed-captioning information from a video signal. Safadi et al. teaches a system for customization a textual information within emergency alert messages (paragraph 0015 lines 9-13) wherein a television extracting closed-captioning information from a video signal (paragraph 0017 line 1 through paragraph 0018 line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Stevens and Swan et al. with extracting closed-captioning information from a video signal in order for the system to provide contextual and graphic information to the subscriber television about an emergency weather alert, as taught by Safadi et al..

***Allowable Subject Matter***

7. Claim 97 is allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 97, the prior art of record fails to teach or suggest, alone or in combination a store on the computer-readable storage medium a directory of alert gateways, each alert gateway being associated with a distribution address; determine, based on the alert information, a set of one or more distribution addresses to which the alert applies; and using the means for transmitting an alert to an alert gateway, transmit the alert to a set of alert gateways, wherein each of the alert gateways is located at a subscriber location and is associated with a member of the selected set of distribution addresses.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened

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statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

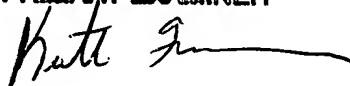
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson  
Art Unit 2617  
July 27, 2006

**KEITH FERGUSON**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Keith Ferguson", written over the printed name and title.